

**INTERPRETATIVE GUIDE
CHANGES
EFFECTIVE 7/1/2013**

Update #1

470 IAC 3-4.7-1 General definitions

(21) "Criminal history check" means an Indiana state police search and report of criminal records on forms provided by that agency.

Note:

A national criminal history background check is completed through the state police department under IC 10-13-3-39 before issuing a license. The national criminal history check replaces the statewide criminal history check.

(77) "Volunteer" means a person working or assisting in the child care center more than eight (8) hours per month who is not paid by the center.

○ Assessment Method:

- A volunteer is an individual, at least 16 years of age, who works or assists with the care of children for more than 8 hours per month. A volunteer can be counted toward the child/staff ratios only with written documentation that she/he is fully qualified for the position in which she/he is volunteering. A volunteer shall always work under the supervision of at least a Lead Caregiver and is never left alone with a group of children.
- The director may not be a volunteer because rule 470 IAC 3-4.7-21 (b) Director Qualifications states "each child care center must employ a qualified person to carry out the responsibilities of the director."
- Volunteers and visitors are not paid by the child care center. All volunteers must submit to ~~statewide limited~~ a national criminal history checks.

Update #2

470 IAC 3-4.7-41 Staff, substitutes, and volunteer records

(3) A statewide limited criminal history check completed by the Indiana state police.

Note:

A national criminal history background check is completed through the state police department under IC 10-13-3-39 before issuing a license. The national criminal history check replaces the statewide criminal history check.

Update #3

470 IAC 3-4.7-49 Child grouping policies

Sec. 49. (a) Age grouping policies apply at all times except as in subsection (f).

◆ Intent:

To ensure the understanding that maximum group sizes shall apply at all times inside, outside and for special events. Research has shown that group size and child/staff ratios are among the most important determinants of child safety and quality of care. This rule does allow a program flexibility in mixing age groups as long as there is adequate supervision and attention to the developmental needs of children.

- Maximum group sizes for special events can be adjusted by keeping each classroom of children together during the presentation; however, the minimum square footage requirements shall still be maintained.
- During rest time, groups may be in the same room; however, each classroom of children must be kept together and kept separate from the other groups in the room. Rest time ratios must be maintained for each group and minimum square footage requirements apply.

Note:

Children transitioning to the next age group or starting the facility may start visiting or be placed in the next age group of children with a transition period of 2 weeks before and 2 weeks after their birthday. The ratio that is maintained is the ratio of the classroom that the child is moving into.

Any other variations that are not included in Interpretive Guide or the rules would be considered on an individual basis and in the best interest of the child. These would have to be approved through a variance. For more information and guidance for children under 30 months of age refer to the Interpretive Guide for 470 IAC 3-4.7-51 Implementation of continuity of care.

Update #4

470 IAC 3-4.7-68 Playground design

(b) The outdoor play area shall be safely enclosed, fenced, or protected from traffic by other natural barriers. Air compressors or other dangerous equipment in the outdoor play area shall be enclosed and inaccessible to children.

♦ Intent:

To ensure that the area is protected from harm to the children and that children are unable to leave the play area unsupervised. Fencing shall be sturdy, free of sharp edges, secure and maintained in good repair. When fences are used, they are to be at least 4 feet high and of material such as chain link, wood fences with smooth finish and with openings that will not permit children to climb through or other materials approved by the Division. Natural barriers shall be free of hazards such as poisonous plants and thorns and shall be dense enough to protect children from wandering out of the play area. When children are outside playing or doing activities, they shall remain in the fenced in play area for their protection. Children are not allowed to play in any area of the property or on the sidewalk, driveway, etc that is not fenced in.

Update #5

470 IAC 3-4.7-78 Meal components

(d) The center shall serve whole milk to children under two (2) years of age unless a physician orders a specific substitution.

♦ Intent:

To clarify that no milk less than ~~2%~~ 1% may be served to children ages 2 and older according to approved nutrition programs, unless a child has a physician's or nurse practitioner's statement. Additionally, children twelve (12) through twenty-three(23) months of age may be served 2% milk.

Update #6

470 IAC 3-4.7-79 General meal guidelines

(p) Packaged, ready-to-eat foods that are served to children must be discarded, if not consumed.

Note:

Containers of milk that have been removed from the kitchen and returned after food service are considered as spoiled foods and must be discarded. Milk may be offered in smaller containers for table service but leftover in the smaller container must be consumed or discarded.

Update #7

470 IAC 3-4.7-88 Medication

(j) Medication labeled "refrigerate" shall be stored in tightly lidded, washable containers marked "medication" in a refrigerator.

♦ Intent:

To clarify if the refrigerated medication is kept in the classroom the medication shall be kept locked.

Update #8

470 IAC 3-4.7-93 Child hygiene

Sec. 93. (a) The center schedule shall include provisions for supervised personal hygiene, washing hands before and after meals, and washing hands after using the toilet facilities.

♦ Intent:

To ensure the understanding that this rule means that children must wash their hands after meals and that a hand sanitizer is not a substitute for washing hands. Using the correct procedure and washing hands frequently can prevent the spread of the common cold, flu, and food borne illness as well as many other germs.

• Assessment Method:

Children are observed washing hands using the correct procedure: .

1. Wet hands
2. Apply soap
3. Cleanse hands/wrists by rubbing for a minimum of 20 seconds
4. Rinse under running water
5. Dry hands with clean disposable towel or wall-mounted drying device

Update # 9

■ 470 IAC 3-4.7-94 Diapering

(r) Caregivers shall properly cleanse the child's body at each diapering. The submitted health program shall contain skin care procedures approved by the center's health consultant. Caregivers shall post and follow the procedures when diapering children.

♦ Intent:

Diapering should be a special time for caregiver and baby. This is a chance for the child to bond with you and have your full attention. Because diapering is often a messy job, proper hygiene is essential to protect the health of you and the child.

○ Assessment Method:

- **The Diapering Process**

- Staff wash hands
- The child's clothing is removed or moved
- The soiled diaper is removed
- The child is cleansed with a wipe
- The waterproof paper is folded to cover the soiled area (if soiled) and gloves are removed (if used)
- A clean diaper is placed on the child and the child is redressed
- The child's hands are washed
- The diapering waste is disposed of in a tightly covered, plastic-lined waste container
- Wet or soiled clothing is placed in a sealed plastic bag to be sent home with the child
- The waterproof paper is removed
- Staff wash and sanitize the surface if soiled
- Staff wash hands

Update #10

470 IAC 3-4.7-98 Staff hygiene

Sec. 98. (a) Persons who handle and serve food shall thoroughly wash their hands with soap and warm running water and use disposable towels from a dispenser for drying or an electric hand dryer.

- **Assessment Method:**

Staff are observed washing hands using the correct procedure: .

1. Wet hands
2. Apply soap
3. Cleanse hands/wrists by rubbing for a minimum of 20 seconds
4. Rinse under running water
5. Dry hands with clean disposable towel or wall-mounted drying device

- ♦ **Intent:**

Using the proper procedure and washing hands frequently can prevent the spread of the common cold, flu, and food borne illness as well as many other germs. Children mimic behavior so staff who wash their hands using the proper procedure at the appropriate times are setting a great example for the children in their care.

Update #11

470 IAC 3-4.7-100 Poisons, chemicals, and hazardous items

(h) The center shall make inaccessible to children environmental hazards that present a risk for entrapment or burial, such as, but not limited to, the following:

- (1) Pits.
- (2) Abandoned wells.
- (3) Abandoned appliances.

Note:

If there are any accessible water hazards (retention ponds, baptismal fonts, etc.) within the facility or on the grounds where the child care is located, the facility must have a written plan to make these hazards inaccessible to children.

Update #12

470 IAC 3-4.7-116 Kitchen and food preparation areas

- (i) All food preparation surfaces and eating surfaces shall be sanitized:
- (1) before and after use; and
 - (2) when there is a potential for cross contamination.

Note:

Prior to sanitizing eating surfaces must be cleaned with a soap solution (detergent and water) and dried with a disposable towel.

Update #13

470 IAC 3-4.7-132 Infant equipment

Sec. 132. (a) Each room shall have, as a minimum, the following:

- (1) Books for caregivers to read and sturdy picture books for children.
- (2) Fine motor or manipulative toys.
- (3) Gross motor or large muscle equipment.
- (4) Sensory items.
- (5) A source for playing recorded music.
- (b) Caregivers shall provide duplicate toys.
- (c) Equipment shall be routinely rotated in and out of the environment.
- (d) Television is prohibited in infant areas.

♦ Intent:

To ensure a sufficient supply of toys and play equipment to meet the needs of infants across all areas of development. When choosing play equipment and materials, consider these aspects age and developmental level, safety, durability, flexibility and instructional quality. Some examples include:

- Sensory stimulation activities: crib mobiles, sound toys, teething toys, visual stimulation materials (mirrors, patterns, designs).
- Language stimulation: talking, singing for 0-6 months, songs, chants, rhymes for 6-12 months.
- Fine motor development: toys with parts that move, squeeze and grip toys, dump and fill toys.
- Activities to encourage social interaction: talking, imitation games, hiding and finding.
- Large muscle activities: variety of surfaces for crawling, scooting, creeping, sufficient open spaces for exploration.
- Activities to encourage problem-solving and intellectual development: activities from all of the above categories.

Update #14

470 IAC 3-4.7-141 Infant/toddler sleeping

Sec. 141. (a) The needs of individual children shall determine the sleeping periods.

- (b) Caregivers shall place infants on their backs or sides in their cribs for sleeping.

♦ Intent:

To ensure that centers follow Safe Sleep Practices. Parents may not request a waiver for this unless there is a documented medical reason signed by a physician. When infants turn over on their own, it is permissible to leave them on their stomachs rather than awakening them, however all infants shall be placed on back or sides when placed

in the crib. It is expected that infants that fall asleep in other locations, such as a swing or seat, be promptly moved to their crib.

Note:

Children less than 12 months of age shall never have any soft bedding such as pillows, quilts, comforters and sheepskins in the crib or portacrib. There shall not be any toys, stuffed animals, crib bumpers, positioning devices, or extra bedding in the crib. Children less than 12 months of age must always be placed on their back to sleep.

(t) Caregivers shall assure that at least three (3) feet of space is between toddler cots.

Note:

New crib standards were adopted by the Consumer Product Safety Commission effective 6/28/2011. Any crib manufactured prior to this date shall not be used. These guidelines apply to all types of cribs – full size, non full size, wooden, and metal. Non-compliant cribs may not be resold or donated. They must be disassembled prior to discarding.

Update 15

IC 12-17.2-4-3

Applying for licenses

(c) The applicant must submit with the application a statement attesting that the applicant:

(1) has not been convicted of:

(A) a felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under section 35 of this chapter, or of a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child; or

(D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, or of a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child; and during the pendency of the application.

(d) An applicant ~~must~~, shall, at no expense to the state, submit:

(1) the necessary information, forms, or consents; ~~for the division to obtain~~ and

(2) the applicant's fingerprints;

~~for a national criminal history background check on the applicant through the state police department under IC 10-13-3-39, by the Federal Bureau of Investigation.~~

(e) ~~Subject to section 3.3 of this chapter,~~ the applicant must, at no expense to the state, do the following:

(1) ~~Conduct~~ Require an employee or volunteer of the applicant who has direct contact with a child who is receiving child care from the applicant to submit fingerprints for a national criminal history background check ~~of the applicant's employees and volunteers, by the Federal Bureau of Investigation.~~

(2) ~~Maintain records of each criminal history check.~~ Report to the division any:

(A) police investigations;

- (B) arrests; and
- (C) criminal convictions;

of which the applicant is aware regarding the applicant or an employee or volunteer described in subdivision (1).

An applicant shall require an individual described in subdivision (1) to apply for a national criminal history background check before the individual is employed or allowed to volunteer and every three (3) years thereafter that the individual is continuously employed or allowed to volunteer.

- Assessment Method:

Review the criminal history files maintained by the Center to determine that the applicant and all employees and volunteers have had a ~~state-wide~~ national criminal history check completed.

Update #16

IC 12-17.2-4-3.3

Sec. 3.3. A person that holds a license under this chapter on July 1, 2013, shall, at no expense to the state, meet the requirements under section 3(e) of this chapter not later than July 1, 2014.

Update # 17

IC 12-17.2-4-3.5

Drug testing

Sec. 3.5. (a) A child care center shall, at no expense to the state, maintain and make available to the division upon request a copy of drug testing results for an individual who:

- (1) is employed; or
- (2) volunteers; as a caregiver at the child care center. The drug testing results required under this subsection must be obtained before the individual is employed or allowed to volunteer as a caregiver.

Note:

Drug test results shall be reviewed by a nationally certified Medical Review Officer using positive cut-offs established by the US Department of Transportation. Drug test results must include contact information for the Medical Review Officer. **Positive drug test screening MUST contain an MRO signature.**

Update #18

IC 12-17.2-4-5

Grounds for denial of license applications

Sec. 5. (a) The following constitute sufficient grounds for a denial of a license application:

- (2) A criminal conviction of the applicant, an employee of the applicant who has direct contact on a regular and continuous basis, with children who are under the direct supervision of receiving child care from the applicant, or a volunteer of the applicant who has direct contact on a regular and continuous basis, with children who are under the direct supervision of receiving child care from the applicant, of any of the following:

(A) A felony:

- (i) related to the health or safety of a child;
- (ii) that is a sex offense (as defined in IC 11-8-8-5.2);
- (iii) that is a dangerous felony; or
- (iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation,

imprisonment, or parole, whichever discharge date is latest.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under section 35 of this chapter, or a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, or a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

Update #19

IC 12-17.2-4-32

Grounds for revocation of licenses

Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(2) A criminal conviction of the licensee, an employee of the licensee who has direct contact on a regular and continuous basis, with children who are under the direct supervision of receiving child care from the licensee, or a volunteer of the licensee who has direct contact on a regular and continuous basis, with children who are under the direct supervision of receiving child care from the licensee, of any of the following:

(A) A felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under section 35 of this chapter, or a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35, or a substantially similar offense in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

Update #20

Other Definitions

IC 12-7-2-53.2

"Dangerous felony", for purposes of IC 12-17.2, means one (1) or more of the following felonies:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Kidnapping (IC 35-42-3-2).

(8) Rape (IC 35-42-4-1).

(9) Criminal deviate conduct (IC 35-42-4-2).

(10) Child molesting (IC 35-42-4-3).

(11) Sexual misconduct with a minor as a Class A felony under IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2).

(12) Robbery as a Class A or Class B felony (IC 35-42-5-1).

(13) Burglary as a Class A or Class B felony (IC 35-43-2-1).

(14) Battery as a felony (IC 35-42-2-1).

(15) Domestic battery (IC 35-42-2-1.3).

(16) Strangulation (IC 35-42-2-9).

(17) Criminal confinement (IC 35-42-3-3).

(18) Sexual battery (IC 35-42-4-8).

(19) A felony committed in another jurisdiction that is substantially similar to a felony in this section.

(20) An attempt to commit or a conspiracy to commit an offense listed in subdivisions (1) through (19).